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To Mail Stop Petitions

Commissioner for Patents

Company United States Patent and Trademark Office

Fax (703)872-9306

From Jason C. Fedon

Tel (610)270-6150

Date 21 June 2004 Pages including cover 6

Subject Attorney Docket Number: P51217

US Serial No.: 10/024,808

File Date: 19 December 2001

Deborah L. Plishock
Corporate Intellectual Property
GlaxoSmithKline
709 Swedeland Road, UW2220
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King of Prussia, PA 19406-0939
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Dear Sir or Madam:

Attached for filing with the United States Patent Office are the following documents:

- 1) Petition for Revival of An Application for Patent Abandoned Unintentionally (2 pgs.);
- 2) Statement establishing unintentional delay (1pg.);
- 3) Copy of Postcard from Continuation application reflecting Application Serial Number and file date (1 pg.); and
- 4) Copy of Continuation application transmittal form.

Please file the attached documents and return a fax confirmation to our office at (610)270-5090.

Very truly yours,

Jason C. Fedon

The information contained in these documents is confidential and may also be privileged and is intended for the exclusive use of the addressee designated above. If you are not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, any disclosure, reproduction, distribution, or any other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please contact us immediately by telephone so that we can arrange for its return.

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PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
P51217

First named Inventor: Thomas Meek

Application No.: 10/024,808

Art Unit: 1645

Filed: 19 December 2001

Examiner: Patricia Ann Duffy

Title: Methods and Compounds for Modulating the Activity of Bacterial FabG

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of a Continuation Application (Identify type of reply):☒ has been filed previously on 26 May 2004☐ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been paid previously on _____☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete,
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments
on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent
and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS
ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PTO/SB/64 (11-03)

Approved for use 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

21 June 2004

Date

Telephone

Number: (610)270-6150

Signature

Jason C. Fedon

Typed or printed name

709 Swedeland Road, Mailcode UW2220

Address

King of Prussia, PA 19406

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Copy of Continuation application transmittal form; copy of postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

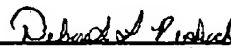
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

21 June 2004

Date



Signature

Deborah L. Pishock

Type or printed name of person signing certificate

[Page 2 of 2]

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Application No. 10/024,808
Filed: 19 December 2001

I hereby state:

(i). I am the agent currently responsible for United States Patent Application No. 10/024,808, for which a non-final rejection dated 26 November 2003 was received.

ii). In response to the above referenced non-final rejection, it was my intention to file a Petition to Accept Unintentional Delayed Claim for Priority under 35 U.S.C. 119(e) and a continuation application during the pendency of United States Patent Application No. 10/024,808 and to continue prosecution of the invention in the continuation application. It was not my intention to abandon United States Patent Application No. 10/024,808 unless and until co-pendency was established with the continuation application. To effect the continuation application I filed the following documents:

a) A three month extension of time in United States Patent Application No. 10/024,808 was filed on 26 May 2004, under a separate cover using a certificate of mailing.

b) A continuation application claiming priority through United States Patent Application 10/024,808 was signed for EXPRESS MAIL depositing on Wednesday, May 26, 2004. A return post card was included with the continuation application. A copy of the transmittal form, with the EXPRESS MAIL CERTIFICATE signed on 26 May 2004, is enclosed herewith. Also enclosed herewith is a copy of the returned post card indicating the application number and filing date of the continuation application.

(iii). On or about 10 June 2004 the return post card was received and indicated that the continuation application was assigned Application Number 10/857,407 and afforded a filing date of 28 May 2004. Administrative personnel realized the discrepancy in the date the application was signed (26 May 2004) and the date afforded the application (28 May 2004). Further investigation revealed that the EXPRESS MAIL package containing the continuation application was not deposited with the United States Post Office until 28 May 2004, thereby jeopardizing its claim to priority to United States Patent Application 10/024,808.

(iv). In order to preserve the claim to priority of the continuation application to United States Patent Application No. 10/024,808, applicants petition that United States Patent Application No. 10/024,808 be revived in order to establish co-pendency with continuation application No. 10/857,407.

N:\ERG\APPS\51217\Petition to Revive Statement.doc

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UTILITY PATENT APPLICATION
TRANSMITTALAttorney Dock No.
First Named InventorP51217C1
Meek, et al.

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(For new nonprovisional applications under 37 CFR 1.53(b))

"EXPRESS MAIL CERTIFICATE"

"EXPRESS MAIL" MAILING LABEL NUMBER **EL 964 436 464 US** DATE OF DEPOSIT: **26 May 2004**
 I hereby certify that this paper or fee and the papers indicated as being transmitted herewith are being deposited with the United States Postal Service
 "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date and with the Mailing Label Number indicated above and addressed to:
 COMMISSIONER FOR PATENTS, MAIL STOP: PATENT APPLICATION, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

NAME OF PERSON MAILING PAPER OR FEE
(TYPE OR PRINT) **EMMA DENNIS**SIGNATURE **Emma Dennis**

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to Deposit Account No. **19-2570**
☒ General Authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extensions of time, relating to this application. (37 CFR 1.136(a)(3))
 (Submit an original, and a duplicate for fee processing)

2. ☒ The total fee is calculated as shown below:
 Basic Filing fee \$770.00
 Total Claims 17 - 20 = 0 x \$18 \$ 0.00
 Independent Claims 12 - 3 = 9 x \$86 \$774.00
☐ Multiple Dependent Claim present. \$290
TOTAL FILING FEE \$1544.00
☐ Cancel in this application original claims to of the prior application before calculating the filing fee.

☒ Charge **\$1544.00** to the above indicated Deposit Account.

- 3a. ☒ Specification excluding Drawings [Total Pages] **39**
 3b. ☒ Abstract on a separate sheet [Total Pages] **1**
 4. ☒ Drawing(s) (35 USC 113) [Total Sheets] **5**

5. ☒ Declaration and Power of Attorney [Total Pages] **2**
 a. ☐ Newly executed (original or copy)
 b. ☒ Copy from a prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 17a completed)
 c. ☐ Unsigned Declaration
 [Note Box 6 below]
 i. ☐ DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

7. ☒ The Title of the Invention:
 Methods of and Compounds for Modulating the Activity of Bacterial FabG
 8. ☒ Nucleotide and/or Amino Acid Sequence Submission
 a. ☒ Computer Readable Copy
 b. ☒ Paper Copy (identical to computer copy)
 c. ☒ Statement verifying identity of above copies
 d. ☐ Use the identical computer-readable form filed in Application No. _____, filed _____ as the computer-readable form for the instant application. (37 CFR 1.821(e))

9. **ACCOMPANYING APPLICATION PARTS**
 a. ☐ Information Disclosure Statement (IDS)
 b. ☐ PTO-1449
 c. ☐ Copies of all IDS Citations

10. ☐ Assignment Papers (cover sheet & document(s))

11. ☒ Prior Application is Assigned to:
SmithKline Beecham Corporation
 (for continuation/divisional with Box 17a completed)

12. ☒ Preliminary Amendment [Total Pages] **3**

13. ☒ Return Receipt Postcard (MPEP 503)
 (Should be specifically itemized)

14. ☐ Certified Copy of Priority Document(s)
 (if foreign priority is claimed)

15. ☒ Transfer all references cited by Applicants or by the Examiner from the parent Application Serial No. **10/024,808** filed **19 December 2001**. A PTO-1449 listing the references is enclosed.
 16. ☒ Other: Copy of Petition to Accept Unintentionally Delayed Claim for Priority and Copy of Request for Three Month Extension filed in 10/024,808; copy of Response and Property Rights Statement filed in 10/024,808.

6. ☒ Incorporation By Reference (useable if Box 5b is checked)
 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

17. ☒ Priority Information, check appropriate box and supply the requisite information
 a. The accompanying application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)
 of prior application No: **10/024,808, filed 19 December 2001.**
 b. ☐ Benefit is claimed under Title 35, United States Code, Section 119(e) of the following Provisional Applications:
 Application No. _____ filed _____
 c. **** Add claim to priority via Preliminary Amendment.**

Correspondence Address: **GLAXOSMITHKLINE**
 Corporate Intellectual Property - UW2220
 P.O. Box 1539
 King of Prussia, PA 19406-0939
 Telephone (610) 270-6150 Fax (610) 270-5090

Respectfully Submitted,
 Signature **Jason C. Fedor**
 Name **Jason C. Fedor**
 Registration No. **48,138**

20462

PATENT TRADEMARK OFFICE

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DOCKET No. 2003170 Date Mailed 5/26/04 Atty/Secy JEK/41p **ERR**
 MAILING: CERTIFICATE/EXPRESS MAIL # EL 964 436 464 US 15535 U.S. PTO
107857407
 U.S. Serial No.: To Be Assigned Filing Date: Hereafter
 Int'l App. No.: _____ Int'l Filing Date: _____
 052804

RECEIPT IS ACKNOWLEDGED FOR THE FOLLOWING:

- ☒ Appl. Trans. (+ 1 copy) for: ☐ Provisional ☐ CIP ☒ Statement to Support Filing
☒ Utility ☐ Continuation ☐ CPA ☐ RCE ☐ Divisional ☐ Copy of Notices to Comply
☒ Specification 39 pages ☒ Abstract 1 pgs ☒ Diskette ☒ Paper Seq. Listing
☒ Dec. & Power of Atty 3 pages (signed copy) ☐ Appeal Brief _____ pages
☒ Drawings 5 Sheet(s)/Figs 1 to 5 ☐ Petition _____ pgs.
☐ Assignment _____ pages & Recordation Cover Sheet ☐ Status Request
☐ Trans. Ltr Nat'l Stage Entry (3pgs.) ☐ Trans. Nat'l Stage (2nd sub)
☐ Information Disclosure Statement ☐ Resp. to Written Opinion
☒ Form PTO-1449 3 pgs. & 3 References ☐ Priority Document
☐ Amendment ☐ Response _____ pages ☐ Notice of Appeal/Brief
☐ Petition for Extension of Time plus 2 copies ☐ Resp. to Rest. Req. _____ pgs.
☐ Issue Fee Trans. (Part B) + 1 copy ☐ Req. to Correct Filing Receipt
☐ Copy of Notice to File Missing Parts ☐ Copy of Filing Receipt
☐ Request for Nonpublication (1 pg) ☐ Correct Defects _____ pages
☒ Authorization to Charge Dep. Acct. # 19-2570 ☒ Postcard
☒ Preliminary Amendment (3 pgs); copy of Response and Prop. rights statement
 and Request for 3 Month Extension Filed in 10/24/04.

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